

fine or delay the fine.

(Ord. of 1-01)

Chapter 8 FIRE PREVENTION AND PROTECTION*

***Cross references:** Buildings and building regulations, Ch. 7; health, Ch. 12; housing, Ch. 13; fire sales, § 14-41 et seq.; motor vehicles and traffic, Ch. 15; alarm systems, § 16-21 et seq.; building fires in public parks restricted, § 17-48; dropping matches, burning cigarettes, etc., within public parks prohibited, § 17-49; streets, sidewalks and public places, Ch. 21.

- Art. I. In General, §§ 8-1--8-13
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ARTICLE I. IN GENERAL

Sec. 8-1. Obstructing firemen in performance of duties.

No person shall hinder, obstruct, resist or abuse any member of the fire department while such member is performing his official duties.

(Code 1970, § 15-22)

Sec. 8-2. False statement that fire is extinguished.

No person shall knowingly state that any fire is extinguished when it is not.

(Code 1970, § 15-23)

Sec. 8-3. Unauthorized use of fire fighting equipment.

No person shall take, remove, or use any fire fighting equipment belonging to the city from its accustomed resting place, except fire department personnel in the performance of their required duties.

(Code 1970, § 15-24)

Sec. 8-4. Taking fire apparatus beyond city limits restricted.

No fire fighting apparatus shall be taken beyond the city limits, except for use in case of fire where permission has been granted by the mayor, chairman of the board of fire commissioners or the chief engineer of the fire department.

(Code 1970, § 15-25)

Sec. 8-5. Hindering access to fire hydrant.

With the exception of authorized fire department personnel, no person shall open any public hydrant or stop cock without the consent of the board of water commissioners. No person shall place any building materials, articles, or rubbish in the immediate vicinity of any public hydrant or stop cock so as to obstruct the free access to such hydrant or stop cock.

(Code 1970, § 15-26)

Sec. 8-6. Posting bills and hitching animals to fire alarm poles prohibited; penalty.

No person shall post or in any manner affix any placards, bills or notices upon any of the fire alarm, telegraph poles or boxes, nor hitch or fasten any animal to any such poles or boxes, nor wilfully injure, deface or in any manner interfere with any of the fire alarm telegraph poles, boxes, wires or connected apparatus.

(Code 1970, § 15-31)

Secs. 8-7--8-13. Reserved.

ARTICLE II. FIRE COMMISSION*

***Charter references:** Board of fire commissioners, §§ 1931 and 1932.

Sec. 8-14. Establishment; composition.

There shall be [a] fire commission. The commission shall consist of five (5) members to be appointed by the mayor of whom not more than three (3) shall belong to the same political party. One (1) member shall be appointed each year, as present terms expire.

The members of said commission shall be sworn by the clerk of said city to the faithful performance of their duties and said clerk shall record such appointment and the administration of such oath.

(Ord. of 7-01)

Sec. 8-15. Term of membership.

Every member shall serve a term of four (4) years from the succeeding first day of June. The term for any member appointed to fill a vacancy shall be for the unexpired term.

(Ord. of 7-01)

Sec. 8-16. Acts through majority.

- (a) The board of fire commissioners shall act through a majority of its members and the authority of any agent of the board shall derive from the express authority of a majority of the board members.
- (b) Any member of the board who transacts any business on behalf of the board, shall report such business in detail to the board at its next meeting, and such reports shall be made a part of the board records.
- (c) All official acts of the board of fire commissioners or any member thereof shall be noted in the records of the board.

(Code 1970, § 2-205)

Sec. 8-17. Annual inspection.

The board of fire commissioners shall make an inspection of the fire department at least once each year and may, in its discretion, make inspections at more frequent intervals when the situation so requires.

(Code 1970, § 2-206)

Sec. 8-18. Supervision of financial transactions.

- (a) *List and approve bills.* The board of fire commissioners shall list and approve all bills for the debts contracted by the fire department before presenting them to the council for payment. All receiving agents will demand a copy of each bill and will verify that it truly represents the quantity and quality of the goods received and will transmit the verified bill to the chairman of such board or the clerk of such board within twenty-four (24) hours thereafter.
- (b) *To keep books.* The board of fire commissioners shall keep a set of books, entering thereon the debits and credits of each individual or corporation with whom it has dealings, showing each and every transaction.

(Code 1970, § 2-207)

Sec. 8-19. To obtain approval for major expenditures.

The board of fire commissioners shall obtain the approval of the mayor and the council in all proposed purchases of apparatus or equipment involving an expenditure of more than fifteen hundred dollars (\$1,500.00).

(Code 1970, § 2-208)

Secs. 8-20--8-30. Reserved.

ARTICLE III. FIRE DEPARTMENT*

***State law references:** Fire departments generally, G.S. §§ 7-301--7-313e; assumption of liability for damages caused by firemen, G.S. § 7-308; volunteer firemen generally, G.S. §§

7-314--7-322a; death, disability and injury benefits, G.S. § 7-314a; benefits for volunteers rendering service to another fire company, G.S. § 7-322a.

DIVISION 1. GENERALLY

Sec. 8-31. Definitions.

As used herein:

Member of the fire department shall mean any person employed by the fire department who is not an officer.

Officer of the fire department shall mean any person in one of the following positions: Chief engineer, assistant chief engineer, deputy chief engineer, captain, lieutenant, master mechanic, assistant master mechanic, superintendent of the electrical department, assistant electrical superintendent and clerk of the board of fire commissioners.

(Code 1970, § 2-76)

Cross references: Definitions and rules of construction generally, § 1-2.

Sec. 8-32. Composition.

The fire department shall consist of such officers and members as determined by the civil service commission and common council from time to time.

(Code 1970, § 2-77)

Sec. 8-33. Bureau of fire prevention--Creation, composition and duties.

- (a) The bureau of fire prevention of the fire department is hereby established for the purpose of enforcing the fire prevention code.
- (b) The chief engineer of the fire department shall be the head of the bureau of fire prevention and the bureau shall be operated under his supervision.
- (c) In addition to the chief engineer of the fire department, the bureau shall consist of a deputy fire marshal, two (2) firemen to act as inspectors and such other employees, including additional deputy fire marshals and additional firemen to act as inspectors, as may be deemed necessary by the board of fire commissioners. Any personnel assigned to or appointed to the fire prevention bureau shall be assigned or appointed in accordance with the applicable provisions of Chapter 3 of the Charter and the rules and regulations adopted thereunder and in accordance with the applicable provisions of the agreement between the City of New Britain and Hardware City Fire Fighters, Local 992, International Association of Fire Fighters, AFL-CIO.

(Code 1970, § 10-2; Ord. of 9-85)

Cross references: City boards, commissions, committees and authorities generally, § 2-126 et seq.

Sec. 8-34. Same--Monthly report.

A report of the bureau of fire prevention shall be made monthly and transmitted to the board of fire commissioners. Such report shall contain all proceedings under this Code, with such statistics as the chief engineer of the fire department may wish to include therein and shall also include any recommendations for amendments to the code which, in his judgment, shall be desirable.

(Code 1970, § 10-3)

Sec. 8-35. Same--Fees for inspections and permits.

The fire prevention bureau shall charge the fees set out below for certain inspections and permits:

TABLE INSET:

(a) Types of Licensing Communications:	Fee
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Blasting permits . . .	\$20.00
Day care centers . . .	20.00
Liquor licenses . . .	20.00
Cargo tank trucks . . .	20.00
Dry cleaner and coin operated . . .	20.00
Above ground storage tanks (flammable) . . .	20.00
Underground storage tanks installation/removal . . .	20.00
New construction (final inspection) . . .	20.00
New construction (alarm, sprinkler, standpipe test and approval) . . .	20.00
One day liquor or beer permits . . .	20.00
Carnivals and/or circus . . .	20.00
Festivals and/or events . . .	20.00
Health care . . .	20.00
Reports (per page) . . .	1.00

(b) (1) The fees for blueprint plan review shall be on a graduated schedule as follows:

TABLE INSET:

Value of Building and/or Property Which is Subject to Plan Review:	Fees
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1.	\$0 through \$1,000.00 . . .	\$0.00
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2. \$1,001.00 through \$50,000.00 (per 1,000) or part thereof) . . . 2.50
3. In excess of \$50,000.00 (per 1,000 or part thereof) . . . 5.00

TABLE INSET:

NOTE: Example: Value	Fees
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1. \$1,000.00 . . . \$0.00
2. \$50,000.00 . . . 125.00
3. \$75,000.00 . . . 375.00

- (2) The fees for blueprint plan review performed by the fire prevention bureau will be collected by the department of licenses, permits and inspections at the same time fees are collected for the services provided in chapter 7, article I of this section.

(Code 1970, § 10-6(a); Ord. of 4-82; No. 26826-1, 2-13-02; No. 27455-1, 5-14-03)

Cross references: Licenses, permits and miscellaneous business regulations, Ch. 14.

Secs. 8-36--8-45. Reserved.

DIVISION 2. DUTIES OF PERSONNEL

Sec. 8-46. Chief engineer.

The general duties of the chief engineer shall be as described in this section and shall be performed under the supervision of the board of fire commissioners:

- (a) *Care of apparatus.* He shall be primarily responsible for the care, maintenance and use of all apparatus and instruments used in the performance of the functions of the fire department.
- (b) *Commanding officer.* He shall be the commanding officer at all fires and shall be authorized to use all necessary measures to enforce his commands, and shall direct the extinguishment of these fires.
- (c) *Report to board.* He shall report annually to the board of fire commissioners at their first meeting in the month of April and shall include in that report the following:
 - (1) The number of fires which have occurred within the city limits during the previous fiscal year, and their cause or supposed cause, and the estimated damage in each;
 - (2) A full inventory of all the property belonging to the fire department; and
 - (3) Such recommendations as he shall deem important.
- (d) *Inspections.* He shall make such periodic inspections of premises selling or handling gasoline, or explosives, and all factories and all buildings in the

mercantile district, and all other buildings as required of him by the board of fire commissioners at intervals determined by such board or as required by the fire prevention code as adopted and amended by the city.

- (e) *Other duties.* He shall perform such other duties pertaining to the function of the fire department as the board may from time to time, by resolution, require.

(Code 1970, § 2-79)

Sec. 8-47. Assistant chief engineer.

It shall be the duty of the assistant chief engineer to assist the chief engineer in the discharge of his duties, and in the absence of the chief engineer, his duties and powers in case of fire shall devolve upon the assistant chief engineer.

(Code 1970, § 2-80)

Sec. 8-48. Deputy chief engineer.

It shall be the duty of the deputy chief engineer to assist the chief engineer in the discharge of his duties and in the absence of the chief engineer and the assistant chief engineer, their duties and powers shall devolve upon the deputy chief engineer.

(Code 1970, § 2-81)

Sec. 8-49. Captains and lieutenants.

- (a) *Care of apparatus; enforce rules.* Captains of companies shall see that the apparatus committed to their care, the buildings in which the same are housed, and all articles in or belonging to the same are kept neat and clean. They shall preserve order and discipline at all times in their respective companies, and enforce strict compliance with the regulations of the fire department as made by the board of fire commissioners.
- (b) *Record of delinquency.* The captain or officer in charge of each company shall keep a faithful record of the delinquencies of members and furnish copies of these to the board of fire commissioners each month. All company books and papers in possession of any officer shall be the property of the city and shall be surrendered to the chief engineer by the captain when so ordered by the board of fire commissioners.
- (c) *Lieutenants.*
 - (1) The lieutenant of each company shall assist the captain in the discharge of his duties and, in his absence, assume his duties and powers.
 - (2) The board of fire commissioners shall appoint to the office of honorary lieutenant, without civil service examination therefor, and for a period not to exceed thirty (30) days, and solely for the purpose of retiring him at the grade of lieutenant, any member of the fire department who shall be eligible for retirement, and who shall have regularly contributed to the firemen's pension fund an amount equivalent to five (5) per cent per annum, payable weekly, of the pay of the office of regular lieutenant, from the date of the passage of the ordinance from which this section is derived or his appointment to such fire department, and regularly thereafter.

- (3) Any member of the fire department who is retired on pension with the rank of honorary lieutenant, as set forth in this section, shall receive pension benefits based on the maximum pay of a lieutenant, provided he shall have regularly contributed to the firemen's pension fund an amount equivalent to five (5) per cent per annum, payable weekly, of the pay of the office of lieutenant (maximum) from the date of the passage of the ordinance from which this section is derived or his appointment to such fire department, and regularly thereafter.

(Code 1970, § 2-82)

Sec. 8-50. Superintendent of fire alarm telegraph; assistant.

- (a) *Superintendent.* The superintendent of the fire alarm telegraph shall be subject to the orders of the board and of the chief engineer and shall be immediately responsible to them for the use and maintenance of the fire alarm system of the city and of any equipment used in connection with this system and the entire working force of this branch of the fire department.
- (b) *Assistant superintendent.* The assistant superintendent shall assist the superintendent in all his duties, succeeding to all the functions of the superintendent in the event of his absence or disability.

(Code 1970, § 2-83)

Secs. 8-51--8-65. Reserved.

ARTICLE IV. FIRE PREVENTION CODE

Sec. 8-66. Adoption by reference.

There is hereby adopted by the council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code recommended by the American Insurance Association, being particularly the 1976 Edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this article of which no less than three (3) copies have been and are now filed in the office of the clerk and the same is hereby adopted and incorporated as fully as if set out in length herein, and the provisions thereof shall be controlling within the limits of the city.

Sec. 8-67. Amendments.

The fire prevention code, as adopted by the city under this article, is amended and changed in the following respects:

Article 5, Cellulose Nitrate Motion Picture Film, is deleted.

Article 6, Drycleaning Plants, is deleted.

Article 10, Prevention of Dust Explosions, is deleted.

Article 12, Explosives, Ammunition and Blasting Agents, is deleted.

Article 13, Fireworks, is deleted.

Article 16, Flammable and Combustible Liquids, is deleted.

Article 21, Liquefied Petroleum Gases, is deleted.

Article 27, Places of Assembly, is deleted.

Article 29, Tents and Air-Supported Structures, is deleted.

(Code 1970, § 10-1)

Sec. 8-68. Exceptions and variances to regulations.

The chief engineer of the fire department shall have the power to modify any of the provisions of the code adopted under this article upon application by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modifications when granted or allowed and the decision of the chief engineer of the fire department thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicants.

(Code 1970, § 10-5)

Sec. 8-69. Appeals.

Whenever the chief engineer of the fire department shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code adopted under this article do not apply, or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the chief engineer of the fire department to the board of fire commissioners within thirty (30) days from the date of the decision appealed.

(Code 1970, § 10-6)

Sec. 8-70. New materials, processes or occupancies which may require permits.

The board of fire commissioners and the chief engineer of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in the fire prevention code. The chief of the bureau of fire prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

(Code 1970, § 10-7)

Sec. 8-71. Order to correct violations; authority of chief engineer on failure.

- (a) When a person to whom an order is directed shall fail to comply within the specified time, the chief engineer of the fire department shall have the authority to contract with others for the removal of such materials and charge the cost thereof to the person to whom an order is directed.

- (b) The person removing material under a contract made hereunder shall be authorized to enter the premises and to remove such material.
- (c) If the cost of removal is not paid within sixty (60) days after receipt of a statement therefor from the chief engineer of the fire department such cost shall be levied against the property upon which such fire hazard exists, as a warrant of distress.
- (d) The levying of such assessment shall not affect the imposition of a fine or the imprisonment of the person to whom the order is directed.

(Code 1970, § 10-8)

Secs. 8-72--8-79. Reserved.

ARTICLE V. ESTABLISHMENT OF FIRE ZONES

Sec. 8-80. Definitions.

Fire lane. Posted and/or marked area around building or public facility within the fire zone. May be interchanged with fire zone.

Fire zone. A designated unobstructed passageway sufficient in size and constructed in a manner to permit the free passage of fire apparatus and other emergency equipment from a public way to all necessary areas around or upon buildings and facilities upon the public.

Parking area. Lots, areas or other accommodations for the parking of motor vehicles off the street, alley, or highway and open to public use with or without charge.

(Ord. of 4-01)

Sec. 8-81. Establishment of fire zones.

- (a) The fire marshal shall designate such fire zones and shall notify in writing the owner or owners or agents of such property of establishment of said fire zones. Such notice may be personally delivered or sent by certified mail.
- (b) Fire zones established by this article shall be kept free of ice and snow and rubbish containers or other obstructions.

(Ord. of 4-01)

Sec. 8-82. Signage.

The owner, owners, agent or occupant shall cause to be erected, installed and maintained at their own expense, permanent, adequate signs bearing the words "FIRE LANE--NO PARKING" in said fire zone. Painted yellow markings may also be required by the fire marshal on the curb and the roadway designating such areas. Such owner, owners, agents or occupant shall cause such other and further designations as are reasonably required by the fire marshal to warn persons to keep said fire zones free.

(Ord. of 4-01)

Sec. 8-83. Notification.

The fire marshal may notify in writing the owner, owners or agents of such property in writing of specific requirements to comply with this article. Said notice may be personally delivered or sent by certified mail and shall prescribe a reasonable amount of time for compliance. If compliance is not obtained within said time, then such owner, owners or agents shall be subject to a fine not to exceed twenty-five dollars (\$25.00) per violation. Each day following such specified time for compliance shall constitute a new violation.

(Ord. of 4-01)

Sec. 8-84. Penalties and enforcement.

Parking shall be prohibited within the designated fire land and a penalty of ten dollars (\$10.00) shall be imposed by the city's police department or its designee for said violation.

(Ord. of 4-01)

Secs. 8-85--8-90. Reserved.

ARTICLE VI. RED TAGS

Sec. 8-91. Red tags.

Upon discovery of any defective appliance, equipment or utilities, the fire marshal, members of the fire marshal's office or any officer or acting officer in the fire department shall shut down or order such equipment to be shut down and affix a "red tag" to such equipment.

No appliance, equipment or utility that has been "red tagged" shall be utilized until repairs have been made and the fire marshal has been notified and he is satisfied that the appliance, equipment or utility is no longer a fire hazard.

Control of these red tags shall be given to the office of the fire marshal.

(Ord. of 5-01)

Sec. 8-92. Penalties.

Any person in violation of this article shall be fined in the amount of twenty-five dollars (\$25.00). Each day that the appliance continues to be in operation, jeopardizing the health and safety of the residents of the structure, an additional penalty of twenty-five dollars (\$25.00) per day up to a maximum of one hundred dollars (\$100.00) total may be levied against the owner of such appliance, utility or equipment.

(Ord. of 5-01)

Secs. 8-93--8-100. Reserved.

ARTICLE VII. RAPID ENTRY SYSTEMS

Sec. 8-101. Rapid entry systems.

- (a) *Purpose.* The purpose of this section is to provide prompt entrance to both commercial and residential structures within the town of New Britain to fire and emergency personnel by requiring the installation of a rapid entry system in new or renovated commercial structures and residential structures exceeding six (6) living units.
- (b) *Definitions.*
 - (1) A rapid entry system consists of a heavy duty key vault the specifications of which shall be approved by the fire department,
 - (2) Renovations shall mean updating or repair of an existing commercial or residential building exceeding (6) six living units or conversion of an existing structure for commercial purposes requiring the issuance of a building permit and the cost of said work shall exceed five thousand dollars (\$5,000.00).
- (c) *[Issuance of certificates of occupancy.]* The director of licenses, permits and inspections for a new or renovated commercial or residential structure, shall issue no certificate of occupancy unless a rapid entry system has been installed within the specifications outlined by the fire department. Specifications shall include the type and location of rapid access system. Keys to said system shall be maintained exclusively by the fire department.
- (d) *[Maintenance of system.]* Upon installation of such rapid entry system, the building owner shall, at his/her expense maintain all components thereof in good working order, and make repair or replacement thereof within thirty (30) days of receipt of written notice to repair or replace by the fire department.
- (e) *Penalty.* Any owner violating the provisions of this section shall be fined twenty-five dollars (\$25.00) for each occurrence. Each day of violation shall be considered a separate offense.

(No. 26896-1, 3-27-02)

Chapter 9 FLOOD AND EROSION CONTROL*

***Cross references:** Buildings and building regulations, Ch. 7; fire prevention and protection, Ch. 8 health, Ch. 12; housing, Ch. 13; planning, Ch. 19; inland wetlands and watercourses, § 19-35; streets, sidewalks and public places, Ch. 21; utilities, Ch. 23.

Art. I. In General, §§ 9-1--9-20

Art. II. Board, §§ 9-21--9-40

Art. III. Flood Damage Prevention, §§ 9-41--9-50

ARTICLE I. IN GENERAL

Secs. 9-1--9-20. Reserved.